

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JARED ANDREW MARTIN,  
  
Plaintiff,  
  
v.  
  
GUTIERREZ, et al.,  
  
Defendant.

No. 1:22-cv-00600-ADA-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS REGARDING  
PLAINTIFF'S MOTION FOR COURT  
ORDER

(ECF Nos. 14, 17)

ORDER DENYING PLAINTIFF'S PETITION  
FOR COURT ORDER AND NOTICE OF  
CLARIFICATION

(ECF No. 20)

Plaintiff Jared Andrew Martin is a state prisoner proceeding *pro se* and *in forma pauperis* in this action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 23, 2022, Plaintiff filed a motion for court order and notice to proceed on cognizable claims. (ECF No. 14.) On August 25, 2022, the assigned Magistrate Judge construed the filing as a motion for preliminary injunction and issued findings and recommendations that Plaintiff's motion be denied. (ECF No. 17.) The findings and recommendations were served on Plaintiff. They contained notice that any objections would be due within fourteen days after service. (*Id.* at 3.)

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1 Plaintiff filed timely objections. (ECF No. 18.) On September 9, 2022, Plaintiff also filed  
2 a document titled "Petition for Court Order: Notice of Clarification Regarding Illegally Seized  
3 Documents, Evidence and Court Papers and Records," which was docketed as a Motion for  
4 Clarification. (ECF No. 20.) Plaintiff's motion for clarification essentially reiterates the  
5 arguments he raised in his original motion for preliminary injunction. Although Plaintiff argues  
6 that he is not seeking an injunction, Plaintiff again requests a court order for his paperwork to be  
7 returned to him. (*Id.*) As the relief requested is substantially similar to that in the original  
8 motion, the Court will review them together. As the Magistrate Judge discussed in the findings  
9 and recommendations, Plaintiff has not yet shown a likelihood of success on the merits.  
10 Additionally, the Court currently lacks jurisdiction over the named defendants at Valley State  
11 Prison and any non-party staff at the Madera County Jail. Plaintiff's objections do not argue  
12 otherwise.


13 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
14 *de novo* review of this case. Having carefully reviewed the entire file, including Plaintiff's  
15 objections and new motion for injunctive relief, the Court finds the findings and  
16 recommendations to be supported by the record and by proper analysis.

17 Accordingly,

- 18 1. The findings and recommendations issued on August 25, 2022, (ECF No. 17), are  
19 adopted in full;
- 20 2. Plaintiff's motion for court order, (ECF No. 14), is DENIED;
- 21 3. Plaintiff's motion for clarification, (ECF No. 20), is DENIED; and
- 22 4. This matter is referred back to the Magistrate Judge for further proceedings  
23 consistent with this order.

24  
25  
26 IT IS SO ORDERED.

27 Dated: September 29, 2022

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UNITED STATES DISTRICT JUDGE